THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 25611 of 2006

DATED: 8-12-2006

Between:

Katuru Ramanaiah and others

…Petitioners.

and

Sri Chennakesava Swamy Vari Devasthanam,
Represented by its Executive Officer, Chillakuru
village and Mandal, Nellore District.

…Respondents.

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.No. 25611 of 2006

Oral Order:

The writ petition is misconceived. The petitioners had lease for cultivating lands in an extent of Acres 8-54 cents in Sy.Nos.278, 279 and 280 in Chillakuru village and Mandal, Nellore District belonging to Sri Chennakesava Swamy Vari Devasthanam. The lease was granted pursuant to a public auction in March 2003 and the lease was for three-year period from April 2003 to March 2006. After March 2006, admittedly, the petitioners have no right to continue in the lands in question or to raise any crops thereat. What the petitioners contend is that on account of the inaction (either negligent worse or) of the Executive Officer of the Devasthanam in question, public auction for grant of leasehold rights was not conducted after March 2006 nor steps taken for eviction of the petitioners from the lands in question.

On the basis of such abdication of statutory responsibilities by the Manager of Devasthanam and other endowment officials, the petitioners raised a crop this year too and asserts an expectation that they would be continued in the lands at least till the end of the current crop year. However, for the reasons not apparent, the respondent saw better reason and issued a notification proposing holding of an auction for grant of leasehold rights for the lands in question. The auction was initially scheduled on 04-12-2006, but is stated to have been postponed to 09-12-2006. The petitioners assail the auction notified

by the respondent.

On the facts set out above, the petitioners have no legitimate right to challenge the auction notified by the respondent. The provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act 1987 and the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules 2003 clearly mandate that the only lawful method of granting leasehold rights of Devasthanam lands is by public auction and that a deviation from this procedure is warranted only if such deviation is in the interest of Devasthanam. No interest of the Devasthanam is either pleaded or established by the petitioners, which justifies deviance from the statutory normal method of conducting a public auction for grant of leasehold rights. No mandamus can issue to interdict a legitimate conduct by an executive agency ordained by statutory rules.

There are no merits in the writ petition. The writ petition is accordingly dismissed at the stage of admission after hearing the learned Government Pleader for Endowments. No costs.

GODA RAGHURAM, J

8th December, 2006.
IBL/GRR